

REMARKS

Claims 22-42 are pending and under current examination. Applicants have amended claims 22, 32, and 42. Support for the amendments to independent claims 22 and 32 may be found in the original claims 22 and 32, and the specification at, for example, p. 17, line 23 to p. 19, line 18.

Applicants traverse the rejection of claims 22-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2005/0060542 A1 ("Risan") in view of U.S. Patent No. 7,630,986 ("Herz").

Rejection of Claims 22-42 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 22-42 under 35 U.S.C. § 103(a) as being unpatentable over Risan in view of Herz.

The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

Risan and Herz, whether taken alone or in combination, do not teach or suggest each and every feature of amended independent claim 22. For example, Risan does not teach or suggest, among other features, "calculating, using the user modeling server, predictions associated with a user preference for said second application based on the usage data provided by said first application and the degree of trust acknowledged by said second application to the usage data," as recited in amended claim 22. In rejecting independent claims 22 and 32, the Office Action

admits that Risan does not “expressly teach calculating, using the user modeling server, predictions associated with a user preference based on the function.” Office Action, p. 3. The Office Action then relies on Herz to allegedly cure the deficiencies of Risan, alleging that “Herz et al. substantially teaches estimat[ing] a model matching the predictions associated with a user preference based on the user profiling function (*see* col. 104[,], lines 55-67, col. 182, line 61-col. 183[,], line 14, col. 200[,], lines 12-23).” *Id.* This is incorrect.

Herz discloses “[a] system for exchange data.” Herz, Abstract. The system “includes a communication system, a first and a second party connected to the communication system, wherein each party has personal data, and each party has a disclosure policy to control dissemination of its data, and a secure intermediate party connected to the communication system, wherein the secure intermediate party exchanges data between the first and second parties in accordance with their respective disclosure policies.” *Id.* Herz also discloses using certificates “within SDI to establish trust between different agents, and to help agents to reach useful agreements.” *Id.*, col. 8, lines 24-26. Herz further discloses “predicted preferences of each user” (col. 104, line 57), “[d]etermin[ing] the predicted interest-level of [the] potential engagement or activity” (col. 182, lines 61-62), and “estimate[ing] the predicted interest of the activities/engagements” (col. 182, lines 66-67).

Herz, however, does not teach or suggest, among other features, “calculating . . . predictions associated with a user preference for [a] second application based on the usage data provided by [a] first application and [a] degree of trust acknowledged by said second application to the [provided] usage data,” as recited in claim 22. Although Herz discloses certificates for establishing “trust between different agents” (col. 8, lines 24-26), Herz does not teach or suggest that when a first application provides usage data to a second application, the second application acknowledges “a degree of trust” to the usage data, as recited in claim 22 (emphasis added).

Moreover, Herz's disclosure of "predicted preferences of each user" (col. 104, line 57) or any other alleged disclosures related to predictions do not teach or suggest calculating predictions based on the usage data and the "degree of trust . . . to the usage data," as recited in claim 22. Therefore, Herz does not cure the deficiencies of Risan.

Risan and Herz, whether taken alone or in any combination, do not teach or suggest each and every feature of independent claim 22. Accordingly, independent claim 22 is nonobvious and should be allowable over the cited references. Although of difference scope, independent claim 32 recites features similar to those recited in claim 22. Therefore, independent claim 32 is nonobvious and should also be allowable over the cited references for at least the same reasons discussed above in connection with claim 22. In addition, dependent claims 23-31, and 33-42 should be allowable at least by virtue of their respective dependence from base claim 22 or 32, and because they recite additional features not taught or suggested by the cited references. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion

Applicants request reconsideration of the application and withdrawal of the rejection. Pending claims 22-42 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the cited art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicants invite the Examiner to telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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